



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Paper No. 13

In re Application of :
Andy Latts *et al* : DECISION ON PETITION
Application No. 09/608,985 :
Filed: June 30, 2000 :
Attorney Docket No. P 64112 :


The duplicate paper filed by facsimile transmission on August 8, 2002 and perfected on August 21, 2002, is construed as a petition by which petitioners request withdrawal of the holding that this application stands abandoned for failure to file a reply to the Office letter dated October 19, 2001. No fee is required for the petition.

The petition is granted.

Petitioners allege that a reply to the Office letter in question was timely by reason of the filing of a Notice of Appeal, together with the appeal fee, on February 13, 2002, together with a request for extension of time and the fee for a one month extension. Petitioners have established this allegation in the manner provided for by 37 CFR 1.8(b) by including copies of these papers which each have affixed thereto a 37 CFR 1.8(a) certificate of mailing dated February 13, 2002. In addition, Office financial records show that the extension fee and appeal fee have been received.

It is clear from the showing in support of the petition that this application was not in fact abandoned. Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Supervisory Applications Examiner for entry of the Notice of Appeal which is attached to the petition, entry of the appeal brief filed on July 22, 2002, and entry of the change of address and power of attorney filed on February 13, 2002 as attached to the petition and resubmitted on September 11, 2002. All extension fees and appeal fees have in fact been received by the Office, as indicated in the Office financial records. Thereafter, the application will be forwarded to the examiner for action on the appeal brief.

PETITION GRANTED.


E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

Attachment

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